

SIERRA CLUB,

Plaintiff,

vs.

WISCONSIN POWER AND LIGHT
COMPANY,

Defendant.

Plaintiff, Sierra Club, by its counsel, David Bender and Pamela McGillivray, McGillivray Westerberg & Bender LLC, and Defendant, Wisconsin Power and Light Company, by its counsel, Robert R. Clark and Scott R. Alexander of Taft, Stettinius & Hollister, LLP, hereby submit the Parties' Joint Settlement Status Report in light of the Court's April 17, 2012, order.

1. In the Parties' previous Joint Settlement Status Report (Dkt. No. 27), the Parties committed to filing a settlement status report with the Court by July 15, 2012, if no Consent Decree was submitted to the Court by that date. As a Consent Decree will not be filed by that date, the Parties provide the following settlement status report.

2. As this Court has been previously made aware, the Sierra Club and WPL executed a Settlement Framework on December 16, 2011, which outlines the major provisions to be incorporated into an anticipated Consent Decree to be filed in this matter.

3. However, the Parties to this case are not in complete control of a potential settlement, or its timing, because the EPA is not a party to this case. While not a party in this litigation, EPA is an important party to any overall settlement because of its own enforcement activities related to the Nelson Dewey, Columbia, and Edgewater Generating Stations, and because it is required by statute to have a role in the settlement of citizen enforcement actions pursuant to 42 U.S.C. § 7604(c)(3).

4. The parties believe that all major issues have been resolved and WPL, EPA, and the Sierra Club have been working diligently to draft a Consent Decree that can be submitted to their respective management for approval, subject to the notice process set forth in 42 U.S.C. § 7413(g) and 7604(c)(3).

5. Therefore, the Parties respectfully request that this Court continue to stay all case management deadlines so that the Parties and EPA may finalize and file a proposed Consent Decree. The Parties shall file a Settlement Status Report with the Court by August 31, 2012 if no Consent Decree is filed by that date.

Respectfully submitted,

s/Robert Clark

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